IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2753 OF 2006

Narayan Palande. ...Petitioner.

V/s.

The State of Maharashtra. ... Respondent.

....

Mr. Mohan V. Khatavkar for the Petitioner.

Mr. Shailesh Kantharia for Respondent No.2.

Mrs. M.M. Deshmukh, APP for the State.

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CORAM : J.H. BHATIA, J.

31ST JANUARY, 2007.

P.C. :

1. Heard Mr. Khatavkar, learned Counsel for the Petitioner and Mr. Shailesh Kantharia, learned Counsel for Respondent No.2 (original complainant).

2. On a complaint filed by Respondent No.2 under Section 138 the Petitioner was convicted by the Judgment dated 6.11.2006 and was directed to pay amount of Rs.80,000/- as compensation to the complainant. This order was challenged in the appeal. While admitting Appeal, the learned Sessions Court suspended the execution of sentence of imprisonment subject to depositing 50% of the amount of Rs.80,000/- within 30 days. The Petitioner found it difficult to make the payment within a period of 30 days and therefore, he preferred present Writ Petition.

3. As per order dated 20th December 2006, this Court had directed the Petitioner to deposit an amount of Rs.5,000/- as litigation cost to be paid to Respondent No.2 and subject to the same, the impugned order dated 11.12.2006 was stayed till this date. After some discussion at par, the learned Counsel for both the parties point out that the Petitioner had sought 3 months time for payment of Rs.40,000/-. Therefore, by granting that time, this Petition may be disposed of.

4. The Petitioner is granted time till 12th March 2007 to comply with the directions given by the Sessions Court as per order dated 11th December 2006. The Writ Petition stands disposed of with the aforesaid directions.

(J.H. BHATIA, J.)